

United States District Court
Southern District of Texas
FILED

JUL 05 2000

Michael N. Milby, Clerk

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

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Plaintiff,

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v.

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NATIONWIDE HOUSING SYSTEMS,
INC.,

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Defendant.

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CIVIL ACTION NO.
CA-00-125

**JOINT REPORT OF MEETING OF COUNSEL
AND JOINT DISCOVERY/CASE MANAGEMENT PLAN**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW the Equal Employment Opportunity Commission and Nationwide Housing Systems, Inc., by and through their counsel of record, file the following Joint Report of Meeting of Counsel and Joint Discovery/Case Management Plan:

- 1. State where and when the meeting of the parties required by Rule 26 was held, and identify the counsel who attended for each party.**

The meeting was held on July 3, 2000 by telephonic conference. Nationwide Housing Systems, Inc. n/k/a Nationwide Housing Systems, L.P. ("Nationwide") was represented by and through its counsel, Anita Alessandra, Esq. of the Ashcraft Law Firm. The Equal Employment Opportunity Commission ("EEOC") was represented by and through its counsel, Chris Pittard, Esq.

- 2. List the cases related to this one that are pending in any state or federal court, with the case number and court.**

None.

- 3. Briefly describe what this case is about.**

C. When and to whom the Defendant anticipates it may send interrogatories.

Nationwide will send written discovery to the EEOC on or before September 29, 2000.

D. Of whom and by when the Plaintiff anticipates taking oral depositions.

The EEOC anticipates deposing Chet Kearney and Danny Rudd (and possibly Cheri Cleveland, Mike Finch, Albert Orta and Russell Montgomery) before January 17, 2001 and deposing each of Nationwide's designated experts, if any, before the discovery deadline.

E. Of whom and by when the Defendant anticipates taking oral depositions.

Nationwide anticipates deposing James Stovall before January 17, 2001 and deposing each of the EEOC's designated experts, if any, before the discovery deadline.

F. When the Plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B) and when the opposing party will be able to designate responsive experts and provide their reports.

See Response to G below.

G. List expert depositions the Plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

The parties have agreed to identify experts and produce their reports in accordance with the Court's Scheduling Order. The parties have agreed to depose experts, if any, before the discovery deadline.

- H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

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In its Original Complaint, the EEOC alleges that Nationwide engaged in unlawful conduct under the Age Discrimination in Employment Act by failing to hire James Stovall as the General Manager of its Corpus Christi sales center.

4. Specify the allegation of federal jurisdiction.

The EEOC alleges federal question jurisdiction pursuant to 28 U.S.C. §451, §1331, §1337, §1343 and §1345.

5. Name the parties who disagree and the reasons.

The parties agree that jurisdiction is proper in this Court.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

None at this time.

7. List anticipated interventions.

None at this time.

8. Describe class-action issues.

None.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

The parties have agreed to make initial disclosures by August 8, 2000.

10. Describe the proposed agreed discovery plan, including:

A. Responses to all the matters raised in Rule 26(f).

Initial disclosures will be made by August 8, 2000.

B. When and to whom the Plaintiff anticipates it may send

17. Magistrate judges may hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

The Parties do not consent at this time.

18. State whether a jury demand has been made and if it was made on time.

The EEOC made a timely jury demand.

19. Specify the number of hours it will take to present the evidence in this case.

The Parties anticipate that this matter could be tried in 24 hours of court time.

20. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

Nationwide's Motion for Sanctions.

21. List other motions pending.

None.

22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the Court at the conference.

None.

23. Certify that all parties have filed Disclosures of Interested Parties as directed in the Order of Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.

The EEOC filed its Certificate Regarding Financial Interest on May 4, 2000. Nationwide filed its Certificate Regarding Financial Interest on June 22, 2000, after reinstatement of the case.

24. List the names, bar numbers, addresses and telephone numbers of all counsel.

FOR NATIONWIDE:

William O. Ashcraft, Esq.
Attorney-in-Charge
Texas Bar No. 01372800
Southern District of Texas No. 11654
Anita M. Alessandra, Esq.
Texas Bar No. 00988000
Southern District of Texas No. 13936
R. Jeff Worth, Esq.
Texas Bar No. 00795732
(Admitted Pro Hac Vice)

ASHCRAFT LAW FIRM
8750 North Central Expressway
Suite 1070
Dallas, Texas 75231
Telephone: (214) 987-0660
Facsimile: (214) 987-3847

and

Tom M. Harrison, Esq.
Texas Bar No. 09122300
Southern District of Texas No. 1891
Roxana V. Shia, Esq.
Texas Bar No. 00785146
Southern District of Texas No. 15608

HORNBLOWER, MANNING & WARD, P.C.
711 North Carancahua
Suite 1810
Corpus Christi, Texas 78475
Telephone: (361) 888-8041
Facsimile: (361) 888-8222

FOR EEOC:

C. Gregory Stewart, Esq.
General Counsel

Gwendolyn Young Reams, Esq.
Associate General Counsel

Robert B. Harwin, Esq.
Regional Attorney
District of Columbia Bar No. 076083

Linda Gutierrez, Esq.
Supervisory Trial Attorney
Texas Bar No. 08642750
Southern District of Texas No. 14464

R. Chris Pittard, Esq.
Trial Attorney
Texas Bar No. 00794465
Southern District of Texas No. 23449

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office
5410 Fredericksburg Road
Suite 200
San Antonio, Texas 78229-3555
Telephone: (210) 281-7673
Facsimile: (210) 281-7669

Respectfully submitted,

By: R. Chris Pittard (with permission)
C. Gregory Stewart, Esq.
General Counsel

Gwendolyn Young Reams, Esq.
Associate General Counsel

Robert B. Harwin, Esq.
Regional Attorney
District of Columbia Bar No. 076083

Linda Gutierrez, Esq.
Supervisory Trial Attorney
Texas Bar No. 08642750
Southern District of Texas No. 14464

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ATTORNEYS FOR PLAINTIFF

By: William O. Ashcraft (with permission)

William O. Ashcraft, Esq.
Attorney-in-Charge
Texas Bar No. 01372800
Southern District of Texas No. 11654
Anita M. Alessandra, Esq.
Texas Bar No. 00988000
Southern District of Texas No. 13936

ASHCRAFT LAW FIRM
8750 North Central Expressway
Suite 1070
Dallas, Texas 75231
Telephone: (214) 987-0660
Facsimile: (214) 987-3847

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Southern District of Texas No. 15608

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711 North Carancahua
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Corpus Christi, Texas 78475
Telephone: (361) 888-8041
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ATTORNEYS FOR DEFENDANT
NATIONWIDE HOUSING SYSTEMS, INC.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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